

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESale PRICE)
LITIGATION)
_____)

MDL NO. 1456

CIVIL ACTION NO. 01-CV-12257-PBS

THIS DOCUMENT RELATES)
TO)
_____)

Judge Patti B. Saris

STATE OF NEVADA V. AMERICAN)
HOME PRODUCTS, ET AL.)
CIVIL ACTION NO. 02-CV-12086-PBS)
_____)

STATE OF MONTANA V. ABBOTT)
LABORATORIES, ET AL.)
CIVIL ACTION NO. 02-CV-12084-PBS)
_____)

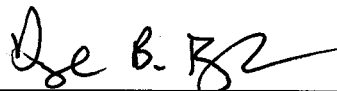
**WATSON PHARMACEUTICALS, INC. MOTION FOR LEAVE TO FILE
REPLY MEMORANDUM IN SUPPORT OF MOTION TO DISMISS
THE STATE OF MONTANA'S SECOND AMENDED COMPLAINT
AND THE STATE OF NEVADA'S AMENDED COMPLAINT**

Watson Pharmaceuticals, Inc. ("Watson") requests leave to file the attached Reply Memorandum in support of its Motion to Dismiss the State of Montana's Second Amended Complaint and the State of Nevada's Amended Complaint. The Opposition filed by Plaintiffs to Watson's Motion¹ raised, for the first time, arguments about why service was not required, or was waived, and these arguments require a response to correct mischaracterizations of the law

¹ Plaintiffs' State of Montana and State of Nevada's Opposition to Defendant Watson Pharmaceuticals, Inc.'s Motion to Dismiss the State of Montana's Second Amended Complaint and the State of Nevada's Amended Complaint ("Opposition"), December 8, 2004.

and the record in this case. Moreover, Plaintiffs filed a Declaration in support of their Opposition² that requires a response, the Declaration of Douglas B. Farquhar,³ filed herewith.

Respectfully submitted,



Douglas B. Farquhar *pro hac vice*
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Date: December 16, 2004

² Declaration of Edward Notargiacomo in Support of Plaintiffs' State of Montana and State of Nevada's Opposition to Defendant Watson Pharmaceuticals, Inc's Motion to Dismiss.

³ Supplemental Declaration of Douglas B. Farquhar in Support of Watson Pharmaceuticals Inc's Motion to Dismiss.